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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,122	02/12/2008	Jason Teckoe	061170-0230 (JUSK-127)	6922
23630	7590	02/24/2009		
MCDERMOTT WILL & EMERY LLP			EXAMINER	
28 STATE STREET			NGUYEN, THU KHANH T	
BOSTON, MA 02109-1775			ART UNIT	PAPER NUMBER
			1791	
			MAIL DATE	DELIVERY MODE
			02/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/573,122	TECKOE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	THU KHANH T. NGUYEN	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 February 2007.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>2/05/07</u> .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### *Claim Objections*

1. Claim 3 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 2.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogawa et al (6,474,371).

Ogawa et al teach a powder pressing apparatus, comprising a compaction chamber (12), dosing means (10), a powder supply (14, 32), wherein the dosing means (10) comprises a plurality of juxtaposed components (44) for receiving powder material from the powder supply (32) and feeding the powder material to the compaction chamber (12).

In regard to claims 2-4 and 11, wherein the dosing means (10) is movable between a first position under the powder supply (14) and a second position above the compaction chamber (12, col. 5, lines 27-29).

In regard to claims 8, wherein the apparatus comprises a plurality of dies (28) and compaction means (22, 24, 26 & 30).

In regard to claim 9, the apparatus further disclose a powder supply conduit (36, 38, 40).

4. Claims 1-5 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohara et al (6,481,993).

Kohara et al teach an apparatus for supplying rare earth metal-based alloy powder, comprising a die plate (1) with a plurality of cavities (4), a powder replenishing device (30), and a feeder box (10), wherein the feeder box (10) is movable from the replenishing position to a position on the die (2a).

The feeder box (10) further comprises bar-shaped members (21) horizontally movable with the feeder box (10) by a cylinder (15), wherein the bar-shaped members (21) are capable of adjusting the cross-sectional area of the feeder box relative to the die cavities (4).

The apparatus further comprises a plurality of lower punches (3) and upper punches (5) corresponding to the plurality of die cavities (4).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al ('371) or Kohara et al ('993) as applied to claims 1-4, 8-11 above, and further in view of Descants (4,401,614).

Ogawa et al and Kohara fails to disclose a piston being able to enter the compacting chamber by passing through the dosing cavity.

DeSantis disclose an anvil assembly for powder-compacting press, comprising a feeding chamber (26) and an upper anvil/punch (38) being capable to enter the die (12) by passing through a housing (44) interconnected with a powder hopper (26).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Ogawa or Kohara by providing a piston/punch capable of compressing powder material in the cavity by passing through the dosing/feeding cavity as taught by DeSantis in order to prevent the powder material expose to the atmosphere and to prevent contamination.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THU KHANH T. NGUYEN whose telephone number is (571) 272-1136. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogendra N Gupta/  
Supervisory Patent Examiner, Art Unit 1791

TN